

Application Serial No.: 09/870,910Docket No. 1232-4720**REMARKS**

Reconsideration of this application and continued examination is respectfully requested in view the foregoing amendments and the following remarks.

Claim Status

Claims 1-29 are pending in this application. Claims 1, 7, 8, 12, 13, 15 and 16 are amended herein; claims 10, 11, 14 and 17-29 are canceled without prejudice or disclaimer and new claims 30 and 31 are added. No new matter has been introduced.

Rejections Under 35 U.S.C. §§ 112/103

Claims 1, 7, 10, 12-19, 23, 24, 28 and 29 have been rejected under 35 USC 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention for use of the limitation "the set number of audio channels" (See pages 2-4, Office Action.) Claims 1-29 have also been have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Ferricre (USP 6,728,478) in view of Fuchigami (USP 6,463,410). (See pages 4-10, Office Action.)

In Applicant's previous response, filed May 9, 2005, the claims were amended in part to recite that the number of channels to be used for data transmission from a transmission side is transmitted to a reception side. However, the Examiner contends that such recitations are indefinite, and has rejected the claims in view of prior art.

Applicant respectfully disagrees with the claim characterization and the characterization of the teachings of the prior art used in the stated rejections. The rejections are respectfully traversed.

Application Serial No.: 09/870,910

Docket No. 1232-4720

Claims 10, 11, 14 and 17-29 are canceled without prejudice or disclaimer, rendering their rejection moot. Applicant respectfully requests these rejections be withdrawn.

Applicant has herein amended independent claims 1, 7, 8, 12, 13, 15 and 16 to clarify the claimed invention and submits that these independent claims, and the claims dependent therefrom, are patentable over the cited art for at least the following reasons.

Applicants have further clarified the claimed invention through inclusion of “notifying” means/step and “control” means/step. More specifically, it is recited, for example in claim 1, that, in the transmission apparatus, the “notifying” means/step notifies whether the data is transmitted with the first communication channel and the second communication channel, or with the first communication channel, and the “control” means/step controls stop of the data reception with the second communication channel when the data is transmitted with the first communication channel.

Neither Ferriere nor Fuchigami, alone or in combination, disclose or suggest at least such claimed notifying or control functionality.

Moreover, assuming arguendo such combination is proper, i.e. that motivation to combine Ferriere nor Fuchigami exists and such references are properly combinable, even in combination, the notifying and/or control functionality as recited in the independent claims presented herein is not taught or suggested.

New claims 30 and 31 also respectively include the aforementioned “notifying” and “control” functionality in claims directed to a transmission apparatus and a reception apparatus.

Therefore, it is respectfully submitted that the invention as recited in the independent claims presented herein, and the claims depending therefrom, are not disclosed, taught or suggested by, and are thus neither anticipated by nor rendered

989871 v1

Application Serial No.: 09/870,910

Docket No. 1232-4720

obvious in view of, Ferriere and/or Fuchigami, taken individually or in any appropriate combination thereof, in at least the foregoing respects.

In addition, it is further respectfully submitted that the other references of record do not disclose or suggest at least the above characteristic of the claimed invention.

Applicant respectfully submits that the rejections under §§112 and 103 are thus overcome or otherwise rendered moot.

Dependent Claims

Applicant has traversed but has not specifically addressed the rejections of the dependent claims as Applicant respectfully submits that the independent claims, from which the dependent claims depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are believed to be in condition for allowance for at least similar reasons. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as necessary appropriate.

CONCLUSION

In view of the foregoing, the present invention as recited in the claims presented herein is believed patentably distinct over the art of record and Applicant respectfully requests that the stated rejections be withdrawn. The application is believed to be hereby placed in condition for allowance, which action is respectfully requested.

If any outstanding issues remain, however, the Examiner is invited to contact the undersigned at the telephone number below.

AUTHORIZATION

No fees or extensions of time are believed necessary for this paper. However, should an extension of time be required for the timely submission of this paper, such extension is hereby petitioned, and the Commissioner is hereby authorized to charge any

989871 v1

Application Serial No.: 09/870,910

Docket No. 1232-4720

additional fees which may be required for this paper, or credit any overpayment, to

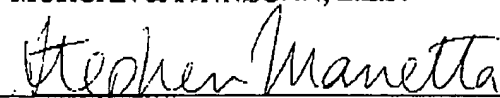
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An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

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By:



Stephen J. Manetta
Registration No. 40,426

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile